

# EXHIBIT 6

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17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 Audrey Heredia as successor-in-interest to the  
20 Estate of Carlos Heredia; Amy Fearn as  
21 successor-in-interest to the Estate of Edith  
22 Zack; and Helen Ganz, by and through her  
23 Guardian ad Litem, Elise Ganz; on behalf of  
24 themselves and all others similarly situated,

25 Plaintiffs,  
26 vs.

27 Sunrise Senior Living, LLC; Sunrise Senior  
28 Living Management, Inc.; and Does 2 - 100,

Defendants.

CASE NO. 8:18-cv-1974-JLS (JDE)

(REDACTED VERSION OF DOCUMENT  
PROPOSED TO BE FILED UNDER SEAL)

DECLARATION OF CRISTINA FLORES IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION

DATE: October 23, 2020  
TIME: 10:30 a.m.  
JUDGE: Hon. Josephine L. Staton  
PLACE: Courtroom 10A

Case No. 8:18-cv-1974-JLS (JDE)

28 DECLARATION OF CRISTINA FLORES IN SUPPORT OF MTN FOR CLASS CERTIFICATION

1. I, Cristina Flores, Ph.D., R.N., declare as follows:

2       2. I am familiar with the matters stated in this declaration. Unless otherwise stated,  
3 the matters contained herein are based upon my personal knowledge, which is derived from a  
4 review of the materials identified within this declaration and my education, experience, and  
5 training discussed below. If called and sworn as a witness, I can and will testify competently  
6 thereto.

7       3.     This declaration describes my analysis undertaken to date based on the documents  
8 and information presently available in connection with the above-referenced lawsuit asserted  
9 against Sunrise Senior Living LLC (“Sunrise LLC”) and Sunrise Senior Living Management, Inc.  
10 (“Sunrise Management”), collectively referred to hereinafter as “Sunrise.”

11       4.     My understanding is that Plaintiffs are asserting claims with respect to staffing and  
12 related issues concerning the following forty three (43) Residential Care Facilities for the Elderly  
13 (“RCFE”) facilities owned and/or operated by Sunrise during the period from approximately June  
14 2013 through the present: Sunrise at Alta Loma, Sunrise at Belmont, Sunrise at Beverly Hills,  
15 Sunrise at Bonita, Sunrise at Burlingame, Sunrise at Canyon Crest, Sunrise at Carmichael, Sunrise  
16 at Claremont, Sunrise at Danville, Sunrise at Fair Oaks, Sunrise at Fresno, Sunrise at Fullerton,  
17 Sunrise at Hermosa Beach, Sunrise at Huntington Beach, Sunrise at La Costa, Sunrise at La Jolla,  
18 Sunrise at La Palma, Sunrise at Mission Viejo, Sunrise at Monterey, Sunrise at Oakland Hills,  
19 Sunrise at Palo Alto, Sunrise at Palos Verdes, Sunrise at Petaluma, Sunrise at Playa Vista, Sunrise  
20 at Pleasanton, Sunrise at Rocklin, Sunrise at Sacramento, Sunrise at Sabre Springs, Sunrise at San  
21 Marino, Sunrise at San Mateo, Sunrise at Santa Monica, Sunrise at San Rafael, Sunrise at Seal  
22 Beach, Sunrise at Sterling Canyon, Sunrise at Studio City, Sunrise at Sunnyvale, Sunrise at  
23 Tustin, Sunrise at Walnut Creek, Sunrise at West Hills, Sunrise at Westlake Village, Sunrise at  
24 Wood Ranch, Sunrise at Woodland Hills, and Sunrise at Yorba Linda (collectively, the “Sunrise  
25 California Facilities”).

## **Qualifications**

27       5.     **Educational Background:** I am a licensed Registered Nurse in the State of  
28 California. I have been a Registered Nurse for 31 years. In 1996, I received my Bachelor of

1 Sciences in Nursing from California State Dominguez Hills, California. In 2003, I received my  
2 Masters in Gerontology, with an emphasis in Long-Term Care Administration from San Francisco  
3 State University, California, and in 2007, I received my Ph.D. in Nursing Health Policy from  
4 University of California, San Francisco. My education has focused on nursing and gerontology,  
5 specifically with respect to the care of individuals in RCFEs, which are also commonly called  
6 assisted living facilities (ALFs) and memory care facilities.<sup>1</sup>

7       6.     **Assisted Living Experience:** Between 1993 and 1996, as a clinical nurse case  
8 manager with UCSF – Mount Zion, Home Care, I worked inside of a number of RCFEs (assisted  
9 living facilities) in California where I was responsible for resident assessments, evaluations, care  
10 management, skilled nursing care, treatments, and staff and patient education.

11       7.     Since 1996, I have been certified as an RCFE Administrator in California. For  
12 over 23 years, I have owned and operated three 6-bed RCFEs. During this 22-year period, the  
13 elderly individuals residing at my facilities have been and are comparable to the residents of  
14 Sunrise's Assisted Living (AL) or Reminiscence<sup>2</sup> units, with similar ages, diagnostic profiles,  
15 acuity, and care services needed.

16       8.     Additionally, from 2012 to 2014, I served as Chief Programming Officer and the  
17 Chief Operating Officer for the AgeSong chain which owned and operated 4 assisted living  
18 facilities, ranging in size from 50 to 100 beds. My responsibilities included all aspects of the  
19 operations of these facilities.

20       9.     **Knowledge of Assisted Living Regulations:** As a Certified RCFE Administrator,  
21 I am aware of the regulations that govern RCFEs (assisted living facilities) in California and the  
22 standard of care recognized by assisted living/RCFE licensees and administrators. The same  
23 regulations and standards apply to all licensed RCFE facilities in California (including the Sunrise  
24 assisted living facilities that are the subject of this declaration), but the regulations and standards

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26       <sup>1</sup> For purposes of this declaration, the terms assisted living facilities (ALFs) and RCFEs are used  
27       interchangeably.

28       <sup>2</sup> The term Reminiscence is used by Sunrise to designate the dementia care/Alzheimer's units in  
29       its facilities.

1 have minor variations based on the size of the facility. All RCFEs in California are required to  
2 comply with the regulations and standards prescribed by California Health and Safety Code  
3 (HSC) section 1569, and by Title 22 of the California Code of Regulations (22 Cal. Code Reg.),  
4 Division 6, Chapter 8. I am very familiar with these regulations and the standards they establish.

5       10.   **Teaching Experience:** From 2001 through 2016, I was the Educational  
6 Coordinator at San Francisco State University responsible for teaching the Assisted Living/RCFE  
7 Administrator certification class that is required for every administrator of an RCFE in California  
8 as part of the certification process. I am an educational vendor authorized by the State of  
9 California to teach continuing education classes regarding RCFE and nursing subjects.  
10 Additionally, for the past 12 years, I have been an Assistant Adjunct Professor at the University  
11 of California, San Francisco, in the Department of Social and Behavioral Sciences, School of  
12 Nursing. Currently, I am a Lecturer in the Department of Gerontology at San Francisco State  
13 University, where I teach and direct graduate level students, many of whom are studying to  
14 become RCFE or long-term care administrators.

15       11.   **Grant-Supported Assisted Living Research:** As a result of my work in the  
16 assisted living field, I have been provided numerous research grants to study assisted living  
17 facilities in California. My research included the study of 340 assisted living facilities in  
18 California supported by grants from the California Health Care Foundation and the Agency for  
19 Healthcare Research and Quality. The purpose of this research was to examine quality of care in  
20 California RCFEs, staffing levels, and history of deficiencies/citations, as well as the data  
21 available to and from the California Department of Social Services, Community Care--Licensing  
22 Division.

23       12.   Attached and marked as Exhibit "A" is a true and correct copy of my *curriculum*  
24 *vitae* which sets forth my qualifications.

25       13.   **Knowledge of RCFE Resident Needs, Assessments, Acuity-Based Staffing, and**  
26 **Standards:** My background, education, training and experience described above and in the  
27 attached curriculum vitae provides me with an understanding and specialized knowledge about  
28 standard care processes and practices in RCFEs, appropriate methodologies, procedures, and

1 standards in assisted living facilities in California including the RCFEs operated by Sunrise which  
2 are the subject of this declaration. More specifically, I have a deep understanding of:

- 3 a. the operations of RCFEs,
- 4 b. the types of resident services provided in assisted living and long-term care  
5 facilities,
- 6 c. how these services are properly provided,
- 7 d. the amount of time required to provide these services (as well as how to  
8 measure the time required time to deliver care services to residents),
- 9 e. the amount of staff needed to deliver care and services to residents and how to  
10 determine the same,
- 11 f. the process of assessing the care and service needs of residents,
- 12 g. how assessments, care and services are documented,
- 13 h. teaching and training staff how to provide resident care and services,
- 14 i. the laws and regulations applicable to assisted living facilities/RCFEs,
- 15 j. managing staff's delivery of care and services,
- 16 k. scheduling staff,
- 17 l. prioritizing staff workflow,
- 18 m. how much care time that staff actually have on each shift—how breaks and  
19 non-service-related tasks that staff members in assisted living facilities are  
20 required to perform each shift impact available care time,
- 21 n. the amount of time required to perform these non-service-related tasks, and
- 22 o. adequate policies and procedures regarding caregiver staffing and the delivery  
23 of care and services.

24 14. Based on my education, training and experience, I am qualified to render an  
25 opinion on the following subjects which are relevant to this case:

- 26 a. how much staff time is required to provide RCFE residents assistance with  
27 needed basic activities of daily living (ADLs)--mobility, transferring,  
28 assistance to bathroom, grooming, dressing, and eating/dining,

- b. how much staff time is required to provide RCFE residents assistance with other care related services, including medication management, dementia and/or behavioral management, and other support services,
- c. whether an RCFE provided sufficient staff to meet the basic needs of residents in its facilities,
- d. whether an RCFE's staffing methodology (policies and procedures) is defective by failing to ensure that its staffing is based on and adjusted to the number of residents and the care they need, as required by California law (22 CCR § 87411),
- e. whether the defect, if any, in an RCFE's staffing methodology (policies and procedures) places residents at substantial and routine risk for understaffing and of not receiving services that they required, and
- f. whether it was mathematically and realistically possible for staff at an RCFE to provide the care services required by its residents based on the facility's individualized care assessments/service plans for each resident and the amount of staffing hours allocated to provide these services, and if there was a staffing shortfall, the daily gap between the amount of care time *required*<sup>3</sup> versus the amount of time actually *available* to its staff.

19       15. Further, by reason of my education and experience, I am qualified to render an  
20      opinion regarding the consequences to the health, safety, and welfare of elderly residents caused  
21      by the repeated failures of an assisted living facility to provide sufficient staff to deliver needed  
22      care and services.

## **Factual Basis for Findings and Opinions**

24       16. My opinions expressed in this declaration are based upon my experience  
25 summarized above and upon my review and consideration of documents and information  
26 summarized on Exhibit B.

<sup>3</sup> When used in this declaration, “required” refers to those services that Sunrise represented it would provide to residents.

17. **Summaries of Voluminous Sunrise Documents:** Due to the voluminous nature  
1 of the staffing, census, and billing history documents produced by Sunrise, I have created or  
2 caused summaries of these voluminous records to be created under my direction and according to  
3 my specifications. These summaries, which are in the form of Excel spreadsheets, allow me to  
4 understand (1) on a daily basis for each Sunrise facility the different service levels of residents,  
5 the number of residents in each service level, and the documented census, (2) Sunrise's monthly  
6 and quarterly actual and targeted staffing levels (by job title), which include the calculations of  
7 hours per patient day (HrPPD) based on the total daily hours of staff time divided by the  
8 documented census, and (3) each combination of ADL services that results in the service levels  
9 defined by Sunrise's point system. These summaries are too lengthy to attach to this declaration,  
10 but will be made available upon request. In arriving at my findings and opinions in this case, I  
11 reviewed and relied upon these summaries of voluminous records.

13       18. Based on the above-described evidence produced by Sunrise and reasonably  
14 available at this time, I have sufficient facts and data to make findings and render the opinions  
15 contained herein.

## Sunrise California Facilities Are Required to Provide Sufficient Numbers of Staff to Meet the Needs of Residents

1 in writing as frequently as necessary to note significant changes. 22 CCR § 87463. These  
2 regulations applied to Sunrise and its California facilities.

3 20. The import of the above regulations is underscored by various Sunrise statements  
4 and documents produced in this case, including:

5 (a) The deposition of Jeffrey Slichta, the Senior Vice President of Operations for  
6 Sunrise's Western Region (which includes California), where he testified that  
7 [REDACTED]

8 [REDACTED] (Slichta Depo, 242:17-243:10).

9 (b) Sunrise marketing brochure marked as Deposition Exhibit ("Depo Ex.") 14,  
10 which states: [REDACTED]

11 [REDACTED] This same statement appears in Sunrise's  
12 corporate website <https://www.sunriseseniorliving.com>, a copy of the  
13 document which was marked as Depo Ex. 132.

14 (c) [REDACTED] marked as Depo Ex. 23, which states that  
15 [REDACTED]

16 (d) Sunrise's training document entitled [REDACTED]

17 which was marked as Depo Ex. 38, [REDACTED]

18 [REDACTED]

19 (e) Chapter 24 of the Operations Manual, entitled [REDACTED]

20 [REDACTED] which states [REDACTED]

21 [REDACTED] See SUN0025815.

22 (f) Sunrise Operations Manual which provides that [REDACTED]

23 [REDACTED]

24 [REDACTED] See SUN0028897.

25 (g) Sunrise Operations Manual which [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED] See SUN0025352.

1        21. In order to ensure that its facilities have enough staff to meet the needs of the  
2 residents, Sunrise must employ a reasonable method to determine the staff time required to  
3 provide promised care services to its residents. It is widely-known in the field of assisted living  
4 and long-term care that the failure to utilize such a methodology can place residents at a  
5 substantial risk for not receiving needed care.

## **Sunrise's Staffing Methodology (Pre-September 2019)**

7        22. **Overview: Sunrise's Target Staffing Formula and Methodology:** Sunrise  
8 produced multiple documents that describe the staffing policies and procedures that were in force  
9 at its California facilities prior to September 2019. These documents include [REDACTED]

10 [REDACTED] (Depo Ex. 30) and the [REDACTED] (Depo Ex. 29). According to these  
11 documents, t [REDACTED]

12

a.

b

c.

d.

23.

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 24. [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 25. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 26. [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]

<sup>4</sup> As stated in the Sunrise Operations Manual, the [REDACTED]

See SUN0025895.

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3 27. [REDACTED]

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<sup>5</sup> “Estimated,” “allocated,” “allotted,” and “targeted” times are used in this Declaration interchangeably to refer to the Sunrise ADL care times contained in *Table 2* below.

<sup>6</sup> The [REDACTED]

See SUN0025836-25836 ( ); SUN0025895  
[REDACTED]). In addition,

See SUN0025838. Further,

SUN0025836.

See

7

[REDACTED] See SUN001327. It explains that the

See SUN001313.

Specifically,

See SUN001313-1314, 1320.

27

<sup>8</sup> Sunrise’s internal [REDACTED]

See SUN001362.

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15 28. [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 29. To illustrate how this structure works, [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 30. Sunrise's Operations Manual states that: [REDACTED]

27 [REDACTED]

28 [REDACTED] See Operations Manual,

1 SUN0025352. [REDACTED]

2 [REDACTED]

3 [REDACTED] See Operations Manual, SUN0025898.

4 31. Sunrise's standard staffing model is further described in a 2012 document entitled

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] See

8 SUN001361 – SUN001362. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED], Depo Ex. 29, SUN0001361-63.

19 **Defects in Sunrise's Staffing Policies and Procedures (Pre-September 2019)**

20 32. Although it is appropriate for an assisted living facility or company to utilize a  
21 staffing methodology which places residents into workload categories (in Sunrise's vernacular  
22 "service levels") and bases staffing levels on the number of residents in each workload category,  
23 such a system must ensure that the lines defining each work load category are not so blurred and  
24 inexact as to cause residents who require more care to be placed in the wrong workload category.  
25 Sunrise's staffing methodology places residents at a substantial and unreasonable risk for being  
26 placed in the wrong service level and assigned the wrong targeted hours needed to meet the  
27 residents' documented needs. [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 33. Having spent more than 25 years as a nurse in the field of assisted living care I am  
11 very familiar with the amount of time required to provide the ADL care and assistance identified  
12 in *Table 1* above.<sup>9</sup> I have not only conducted formal task time studies regarding these ADLs but I  
13 am familiar with task time studies of ADLs reported in published research. *Table 3* below states  
14 the average amount of care time required to deliver ADL care services based on my experience,  
15 my own task time studies, and existing peer-reviewed task time literature.

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<sup>9</sup> According to SUN0003134,

1 ADL	2 AVG Task Times (in minutes)	3 Task Frequency Per Day	4 Total AVG Daily Minutes Per Resident Per Day
5 Mobility	6 5	7 4	8 20
9 Transferring	10 5	11 4	12 20
13 Bathroom/Toileting	14 7	15 5	16 35
17 Grooming	18 15	19 2	20 30
21 Dressing	22 25	23 2	24 50
25 Eating/Dining	26 25	27 3	28 75

7  
*Table 3: Average ADL Task Times, Frequencies, and Total Daily Time.<sup>10</sup>*

8  
34. Importantly, not only do the average times (and upper and lower bound task time  
9 ranges) for these ADLs differ, the frequency at which each ADL care service is required per day  
10 differs. For example, residents that require eating assistance require this service 3 times a day,  
11 whereas residents requiring toileting assistance require this service a minimum of 5 times per day.  
12 As evident from the above table, the average daily times to provide 1-person assistance with a  
13 single ADL varies from 20 minutes to 75 minutes.<sup>11</sup>

14  
35. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED]

21 \_\_\_\_\_

22<sup>10</sup> This table does not reflect time required for 2-person assists.

23<sup>11</sup> [REDACTED]

24  
25  
26<sup>12</sup> For purposes of this Declaration, the “average amount of time required,” the  
27 “average hours required,” and the “required average daily minutes” are used interchangeably and  
28 are based on my experience, my own task time studies, and peer reviewed literature that are  
included in *Table 3*.

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 36. [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

1 37. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 38. **Analyzing the Extent of the Defect:** [REDACTED]

5 [REDACTED]

6 [REDACTED] I needed to understand the following:

7 a. Every possible combination of [REDACTED]

8 [REDACTED]

9 b. The actual total time associated with each of these combinations of [REDACTED]

10 c. The disparity, if any, between the actual total time required and [REDACTED]

11 [REDACTED]

12 39. To do this, [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 40. Second, I examined the adequacy of [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 13 [REDACTED] See

28 SUN0003134.

1 41. [REDACTED]

2 [REDACTED] reveals numerous, extensive, and serious defects  
3 in Sunrise's staffing system.

4 42. Out of the [REDACTED]

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
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14 [REDACTED]

27 15 [REDACTED]  
28 [REDACTED]

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8  
9  
10  
11  
12 43. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23

24<sup>16</sup> According to Sunrise's policies and procedures, [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28

*See SUN002645 and 26467.*

1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11	44.	For reasons stated above, the permutation analysis for Sunrise's AL units in Table	[REDACTED]	[REDACTED]	[REDACTED]
12	6	is very conservative.	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20	45.	<b><u>The Number of Sunrise Residents in Each Service Level per Facility:</u></b> In	[REDACTED]	[REDACTED]	[REDACTED]
21	forming my opinions in this case, I have also considered how many residents Sunrise's RCFEs	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
22	were in each service level and what percent of each resident population fell into each level. The	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
23	Billing Service Level History produced by Sunrise for each facility from 2013 to 2019 provides	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
24	data on this question. <sup>17</sup>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
26	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
27	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

28 <sup>17</sup> No data was produced by Sunrise for San Rafael.

1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

46. In sum, based on the analysis described above, [REDACTED]

[REDACTED] placed residents in Sunrise's

<sup>18</sup>

See SUN00017451.

1 RCFEs at a substantial, ongoing, and unreasonable risk for: (a) chronic understaffing and (b) for  
2 not receiving required and promised services in violation of 22 CCR §§ 87411.

3 **Post- September 2019: Care Labor Management (“CLM”)**

4 47. It is my understanding that in approximately May 2019, Sunrise launched “Care  
5 Labor Management” (“CLM”) which resulted in several changes to the manner in which Sunrise  
6 facilities are staffed. Care Labor Management was commenced at certain Sunrise California  
7 Facilities on a rolling “pilot study” basis starting in approximately September 2019. (Dkt No  
8 110-1 at 4:14-17). I further understand that [REDACTED]

9 [REDACTED]  
10 48. Care Labor Management is described in multiple Sunrise documents produced in  
11 discovery and according to Sunrise [REDACTED]

12 [REDACTED] See SUN0024717. [REDACTED]

13 [REDACTED]  
14 [REDACTED] See SUN0024717; SUN0024716.

15 49. It is also my understanding that Sunrise has stated in Court filings that it did not  
16 use time task studies as part of its variable staffing methodology in use during this lawsuit. In  
17 fact, Sunrise only began piloting an updated staffing approach informed by internal time task  
18 studies in September 2019. (Dkt No. 110-1 at 4:14-17; Dkt No. 107-1 at 23:1-7).

19 50. The Sunrise task time data produced does not contain the necessary data  
20 dictionary, definitions, or procedures that are required to interpret this data. It is my  
21 understanding that discovery with respect to these task times is ongoing.

22 51. I further understand that Sunrise has not produced its Care Labor Management  
23 program or other specific information explaining how staffing levels are presently set at the  
24 California facilities under Sunrise’s post-September 2019 staffing policies and procedures.  
25 Likewise, Sunrise has not produced documentation regarding why it decided to undertake time  
26 and task time studies in 2015-16 and why it decided to use those studies in setting facility staffing  
27 in California, commencing in approximately September 2019. Consequently, at this juncture I am  
28

1 unable to form any opinions about Sunrise's post-September 2019 Care Labor Management  
2 Policies.

3 **Simple Math Methodology to Determine Extent of Facility Understaffing**

4 52. Given the above analysis, it is my opinion that Sunrise's staffing methodology is  
5 likely to result in facility staffing that is insufficient to meet the assessed needs of all facility  
6 residents.

7 53. I understand that [REDACTED]

8 [REDACTED] I further understand that  
9 Sunrise contends that the needs of its resident population are diverse. Regardless of the care level  
10 and specific needs of residents, they shared a need for enough staff time to deliver required and  
11 promised services.

12 54. However, if Sunrise were to produce its resident assessment data in database  
13 readable, .csv format, and daily time card (punch detail) records, a simple math analysis could be  
14 performed, comparing the amount of time *required* to provide promised line-item services<sup>19</sup> to  
15 residents to the actual staff time *available* each day, by-shift, and by job-type/title. This simple  
16 comparison allows researchers, on a conservative basis, to evaluate whether there was enough  
17 staff to provide required and promised line-item services on a daily basis.

18 55. In order to mathematically determine the amount of staff time *required* at  
19 Sunrise's facilities, the following must be determined:

20 a. on a daily basis, the number and total of every *line-item service* that Sunrise  
21 promised to provide to each resident for the resident population of each  
22 facility,

23 b. the daily *frequency* for each line-item service, and

24 c. the *task time* (minutes required) for each line-item service.

25  
26 \_\_\_\_\_  
27 19 "Line item services" include assistance with mobility, transferring, toileting/bathroom,  
28 grooming, dressing, feeding, bathing, laundry, safety/behavioral management, medication  
administration/management, licensed nurse restricted care, etc.

1       56. The simple math formula for calculating daily staff time *required* for each line-  
2 item service is to multiply (a) its total count by (b) its frequency, multiplied by (c) its task time in  
3 minutes. The product of these three elements equals the minimum time required to deliver each  
4 line-item service to all residents. To calculate the total daily staff time *required* to provide all  
5 line-item services to all residents in each facility, the total minutes required for each of the line-  
6 item services are simply added together. The total amount of daily *required* time equals the  
7 facility workload. As the number of line-item services for a resident increases, the amount of  
8 staff time required increases, thus reducing the available time the common and limited pool of  
9 staff had to deliver services to other residents.

10       57. I have reviewed Sunrise's quarterly and monthly staffing and census data by  
11 facility. Although these quarterly and monthly reports do not provide the daily staffing hours that  
12 are required to perform the simple math analysis, they do provide me with insight as to the level  
13 of staffing at Sunrise's facilities. Additionally, I have reviewed Kronos staffing data produced by  
14 Sunrise for certain sample facilities. This Kronos data allows a determination of the to-the-  
15 minute, by-job type/title, and by-unit (AL and REM) staffing levels on each of the 3 work shifts  
16 (i.e. day, evening, and night) on each calendar day.<sup>20</sup> When 10-minute breaks and meals are  
17 factored in, this staffing data would allow a computation of the actual time *available* each day.

18       58. However, as of the date of this Declaration, the requested Sunrise assessment data  
19 for each of its residents has not been produced in a database-ready, .csv format that can be used to  
20 reasonably perform the simple math analysis described above. Once the assessment data is made  
21 available in a usable format, an analysis could be undertaken to calculate the number of line-item  
22 services and time required to deliver them. Due to the fact that the simple math analysis does not  
23 account for staff travel time, scheduling conflicts, documentation and resident charts, rounds,  
24 stand up meetings, and other administrative tasks, this methodology is very conservative.

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25  
26       <sup>20</sup> This daily staffing data can be used in conjunction with the daily census to determine at each  
27 facility, on each day the average amount of time available to provide care per patient, known as  
28 hours per patient day (HrsPPD). This is a common metric to measure staffing levels in healthcare  
facilities and allows for staffing to be compared at different facilities regardless of differing  
census levels.

1 Nevertheless, the simple math analysis would provide a comparison of the number of staff hours  
2 required to deliver care (workload) versus the number of staff hours available per day. Such  
3 analysis would provide a conservative mathematical determination of the extent to which the  
4 Sunrise facilities were understaffed or not.

5 **Summary Negative Outcome Evidence in Sunrise California Facilities**

6 59. In addition to reviewing Sunrise's staffing policies and procedures, and staffing  
7 levels, I have also reviewed complaints and citations about the care at Sunrise's California  
8 facilities. It is my understanding that discovery in this lawsuit is ongoing and that additional  
9 information may be produced. Nevertheless, information obtained to date, through discovery and  
10 the public record, provides ample evidence of negative resident outcomes indicative of the  
11 substantial and ongoing risk residents face as a result of Sunrise's inadequate policies and  
12 procedures regarding facility staffing.

13 60. For example, I reviewed documents evidencing citations issued by the California  
14 Community Care Licensing Division of California's Department of Social Services ("DSS") for  
15 incidents found to be of immediate or potential impact to resident health, safety, or personal  
16 rights. These citations are attached to the Declaration of Megan A. Yarnall ("Yarnall  
17 Declaration"), which I understand is being filed with the Court.

18 61. There are approximately 150 citations attached to the Yarnall Declaration. From  
19 my review of the underlying citation documents, I believe many (if not all) of those citations are  
20 indicative of insufficient staff, poor resident care and other problems consistent with facility  
21 understaffing. The high number of citations is significant. I note also that the Sunrise California  
22 Facilities have been repeatedly cited for failing to self-report violations. *See* Yarnall Declaration  
23 and attached Exhibits.

24 62. Understaffing in assisted living facilities leads to negative outcomes, such as those  
25 seen in the Yarnell Declaration. These negative outcomes include but are not limited to  
26 medication errors, failure to meet care needs, delays in care, and falls with injuries (e.g., hip  
27 fractures, lacerations, head injuries, neck fractures).

28

1       63. I have also reviewed the exhibits attached to the Yarnall Declaration that show  
2 complaints made to DSS and, in some instances, to Sunrise directly. Although complaints may be  
3 deemed substantiated or not, the fact that many residents and family members is consistent with  
4 facility staffing issues and related problems, including those related to quality of care.

5       64. I reserve the right to revise and refine my opinions and findings if additional  
6 relevant information is made available regarding the subjects of this declaration.

7           I declare under penalty of perjury under the laws of the United States of America that  
8 foregoing is true and correct.

9           Executed on May 18, 2020 in San Francisco, California.

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*Cristina Flores*

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CRISTINA FLORES, Ph.D., R.N.

# EXHIBIT A

## CURRICULUM VITAE

**Name:** **Cristina Flores**

**Positions:** Eldercare Advocacy Bay Area, LLC  
San Francisco, California  
Principal/Founder

Cristina's Care Homes  
San Bruno, California  
Owner/Licensee

Assistant Adjunct Professor  
Department of Social and Behavioral Sciences  
School of Nursing  
University of California, San Francisco

Lecturer / Associate Coordinator of Long-Term Care Administration  
Gerontology Program  
Department of Public Affairs and Civic Engagement  
College of Health and Human Services  
San Francisco State University

**Address:** 501 Chenery St  
San Francisco, CA. 94131

**Contact:** Voice: 650-483-1202  
Fax: 415-373-4571  
email: [cristinafloresrn@gmail.com](mailto:cristinafloresrn@gmail.com)

### **EDUCATION:**

1985-1988	City College, San Francisco, CA	A.S.	Nursing Dean's Honor List
1992-1996	California State Dominguez Hills, CA	B.S.N.	Nursing Magna Cum Laude
2001-2003	San Francisco State University, CA	M.A.	Gerontology Long Term Care Administration College Honors
2007	University of California, San Francisco	Ph.D.	Nursing Health Policy Gerontology

## LICENSES, CERTIFICATIONS, VENDORSHIPS

1989-current Licensed Registered Nurse, Board of Registered Nursing, California

1996-current Certified Public Health Nurse, Board of Registered Nursing, California

1996-current Certified Residential Care Facility for the Elderly Administrator, Department of Social Services, California

1998-2011 Certified Volunteer Community Health and Safety Instructor, American Red Cross, Bay Area Chapter

2015-current California Department of Social Services: Community Care Licensing Division: Continuing Education Vendor (Residential Care Facilities for the Elderly) VENDOR # 2000513-740-2

2016-2018 California Department of Social Services: Community Care Licensing Division: Vendor for Initial RCFE Administrator Program (Residential Care Facilities for the Elderly) VENDOR # 200005137401

2018-current California of Marriage and Family Therapists: Continuing Education Provider. Provider #142354

2018-current Board of Registered Nursing: Continuing Education Provider. Provider #CEP17032

## PRINCIPAL POSITIONS HELD

2003-present San Francisco State University, Associate Coordinator  
Long Term Care Administration Program  
College of Health and Human Services

2003-present San Francisco State University, Lecturer  
Gerontology Program  
College of Health and Human Services

2005-2007 University of California, San Francisco  
Pre-doctoral fellowship in the Institute for Health Policy Studies, School of Medicine and the Institute for Health & Aging, School of Nursing  
(grant number 5 T32 HS000086)

2007-present Assistant Adjunct Professor  
Department of Social and Behavioral Sciences  
School of Nursing  
University of California, San Francisco

2010-2012 Director of Education and Health Services Research  
Institute on Aging  
San Francisco, California

2012-2014 Chief Program Officer  
AgeSong  
San Francisco, California

2013-2014 Chief Operating Officer  
AgeSong  
San Francisco, California

### **CLINICAL NURSING EXPERIENCE**

1996-present Cristina's Care Homes  
San Bruno, California  
Owner/Licensee  
Oversight of four state licensed Residential Care Facilities for the Elderly.  
Responsible for facility operations and nursing care/case management of  
elderly residents requiring long-term 24-hour care and supervision.  
Provide initial and on-going training of all direct care personnel. Hands-on  
direct caregiving.

1993-1996 UCSF – Mount Zion, Home Care  
San Francisco, California  
Clinical Nurse Case Manager  
Providing full-range of skilled nursing care to patients and families from  
economically and culturally diverse populations in the community.  
Responsible for care management, skilled nursing care, staff and patient  
education, development and implementation of treatment plans and  
coordination of the multidisciplinary health care team.

1989-1994 UCSF Long Hospital  
San Francisco, California  
Clinical Registered Nurse  
Providing acute nursing care to a broad spectrum of medical and surgical  
patients in large teaching hospital. Strong emphasis in geriatrics,  
cardiology and medicine. Additional responsibilities included training and  
orientation of new nursing staff.

### **HONORS AND AWARDS**

1996 Ethel G. Witkin Award for Outstanding Undergraduate Paper, California  
State University, Dominguez Hills

2002 Sally Casanova Pre-doctoral Scholarship, California State University

2003	Distinguished Achievement Award for Academic Excellence, College of Health and Human Services, San Francisco State University
2004	Distinguished Alumni, Department of Gerontology, San Francisco State University
2009	Kenji Murase Distinguished Alumni Award, School of Social Work, San Francisco State University
2015	Fellow, Gerontological Society of America

#### **KEYWORDS/AREAS OF INTEREST**

Long-term care, elderly, residential care, assisted living, quality assurance, quality improvement, quality of care, quality of life, gerontology, affordable senior housing, community-based care; palliative care

#### **PROFESSIONAL ORGANIZATIONS**

##### Memberships

1996-present	The Honor Society of Phi Kappa Phi
1996-present	Sigma Theta Tau International
1996-2012	California Association of Residential Care Homes
2002-present	Gerontological Society of America (Fellow, 2015)
2002-2010	American College of Health Care Administrators
2002-present	American Society of Aging
2003-present	San Francisco State University, Alumni Association
2007-present	University of California, San Francisco, Alumni Association
2012-2015	Leading Age, California

##### Service to Professional Organizations

1996-2000	San Francisco Association of Residential Care Homes	Treasurer
2001-2002	Gerontological Society of America	
	San Francisco State Student Chapter	Treasurer
2001-2002	American College of Health Care Administrators	
	San Francisco Local Chapter	President
2007	Gerontological Society of America - Local Arrangements Committee	
	Member	
2007-2008	Gerontological Society of America 62th Annual Scientific Meeting. - Social, Research, Policy and Practice Section Program - Committee	
	Member	
2009	Gerontological Society of America 62th Annual Scientific Meeting. – Assisted Living Preconference, Organizing Committee	

2009-2010	Assisted Living Disclosure Collaborative – Committee Member
2010	Gerontological Society of America 63 <sup>rd</sup> Annual Scientific Meeting – Assisted Living Preconference, Organizing Committee
2011-2014	Gerontological Society of America – Social Research Policy and Practice Section – Elected Secretary
2015-2019	Gerontological Society of America – Social Research Policy and Practice Section – Reviewer

## PRESENTATIONS

### International

Gerontological Society of America; San Diego, California, 2003 (poster)

Gerontological Society of America; Orlando, Florida, 2005 (symposium)

Gerontological Society of America; San Francisco, California, 2007 (poster)

Gerontological Society of America; San Francisco, California, 2007 (paper)

Gerontological Society of America; Baltimore, Maryland, 2008 (paper)

Gerontological Society of America; Atlanta, Georgia 2009 (paper)

Gerontological Society of America; Atlanta, Georgia 2009 (preconference)

Association for Gerontology in Higher Education, Reno Nevada 2010 (paper)

Gerontological Society of America; New Orleans, Louisiana 2010 (preconference)

Gerontological Society of America; New Orleans, Louisiana 2010 (paper)

Gerontological Society of America; New Orleans, Louisiana 2010 (paper)

American Society on Aging; San Francisco, California 2011 (paper)

American Society on Aging; San Francisco, California 2011 (paper)

Gerontological Society of America; Boston, Massachusetts 2011 (poster)

American Society on Aging; Washington DC 2012 (poster)

Gerontological Society of America; San Francisco, California 2012 (paper)

Gerontological Society of America; New Orleans, Louisiana 2013 (poster)

American Society on Aging; San Diego, California 2014 (paper)

Leading Age; Palm Springs, California 2014 (paper)

Association for Gerontology on Higher Education Conference 2016 (symposium)

Gerontological Society of America; New Orleans, Louisiana 2016 (poster)

21<sup>st</sup> IAGG 2017 World Congress of Gerontology and Geriatrics, San Francisco, California (poster)

Other Presentations

San Francisco State University, Gerontology Program, 2003 (invited presentation)

University of California San Francisco, Summer Research Training Program, 2003 (poster)

San Francisco State University, Gerontology Program, 2006 (guest lectures)

University of California, San Francisco, School of Medicine, Institute for Health Policy Studies, 2007 (invited presentation)

University of California, San Francisco, School of Nursing, Hartford Center for Geriatric Nursing Excellence, 2007 (invited presentation)

Aging Services of California; Monterey, California 2011 (paper)

California Assisted Living Association; Santa Clara, California 2011 (paper)

Alzheimer's Association of Nevada; Reno, Nevada 2014 (invited presentation)

Peninsula Regents, San Mateo, California 2015 (invited presentation)

California Advocates for Nursing Home Reform, Monterey, California 2015 (invited presentation)

University of California, San Francisco 2017, UCSF Institute for Health and Aging and Dorothy Rice Center for Health Economics (invited presentation and discussant)

San Francisco State University, California 2017, College of Health and Social Sciences' Spring Showcase (invited presentation)

IAGG at San Francisco State University, Gerontology Program, Student, Alumni, and Collaborative Research Posters 2017 (presenter and moderator)

Aging 2.0 Las Gatos Launch Meeting 2019 (panel discussion participant)

California Ombudsman Conference 2019: Presenter with California Advocates for Nursing Home Reform

## UNIVERSITY SERVICE

2003-present San Francisco State University  
Associate Coordinator, Long Term Care Administration Program  
California State Certification for RCFE Administrators  
Continuing Education for RCFE Administrators, Licensed Registered Nurses and Social Workers

2003-present Advisory Board Committee Member  
San Francisco State University  
Health and Safety Mobility Lab

2003-present Advisory Board Committee Member  
San Francisco State University  
Patrick Nobis Scholarship Fund

2010-2014 Advisory Board Committee Member  
Northern California Geriatric Education Center  
University of California, San Francisco

2010-2012 Faculty Development Planning Group Member  
Northern California Geriatric Education Center  
University of California, San Francisco

2011-2012 Campus Advisory Board Committee Member  
Academic Geriatric Resource Center  
University of California, San Francisco

2013-present Committee Member MEPN Program Council  
Masters Entry Level Program Nursing, School of Nursing  
University of California, San Francisco

2016-present Committee Member School of Nursing  
Course EValue Assessment Project  
University of California, San Francisco

2016-present Committee Member  
Gerontology Program Advisory Council  
San Francisco State University

2016-present Advisory Board Committee Member

San Francisco State University  
Michelle Benjamin Scholarship Fund

2016-present Advisory Board Committee Member  
San Francisco State University  
Long-Term Care Administration Scholarship Fund

2016-present Advisory Board Committee Member  
San Francisco State University  
Peninsula del Rey Scholarship Fund

2017 Planning Committee Member  
IAGG 2017 Local Educational Visit to SFSU's Graduate Gerontology  
Program  
San Francisco State University

**PUBLIC SERVICE**

1998-2011 Volunteer Community Health and Safety Instructor  
American Red Cross, Bay Area Chapter

2005-2010 Community School Vision Screening Volunteer  
Prevent Blindness Northern California

2006-2010 Committee Member  
California State Fire Marshal Advisory Committee for Residential Care  
Facilities

2006-2008 Advisory Board  
San Bruno Fire Department  
Emergency and Disaster Preparedness Committee for Residential Care  
Facilities for the Elderly

2008-2013 Board of Trustees  
Vice President  
University Mound Ladies Home  
A Non-Profit Assisted Living Community

2010-2014 Excellence in Dementia Care: Waivers, Pilot Projects and Demonstrations  
Projects and Advocacy Workgroup Member  
San Francisco Department of Aging and Adult Services

## TEACHING

### Formal Scheduled Classes for San Francisco State University Students

Fall 2002      Gerontology 745: Long Term Care Administration II  
3 semester units; 40 students; Lecturer and Associate Coordinator

Spring 2003    Gerontology 740: Long Term Care Administration I  
3 semester units; 35 students; Lecturer and Associate Coordinator

Fall 2003      Gerontology 745: Long Term Care Administration II  
3 semester units; 42 students; Lecturer and Associate Coordinator

Spring 2004     Gerontology 740: Long Term Care Administration I  
3 semester units; 35 students; Lecturer and Associate Coordinator

Fall 2004       Gerontology 745: Long Term Care Administration II  
3 semester units; 38 students; Lecturer and Associate Coordinator

Spring 2005     Gerontology 740: Long Term Care Administration I  
3 semester units; 35 students; Lecturer and Associate Coordinator

Spring 2006     Gerontology 745: Long Term Care Administration II  
3 semester units; 25 students; Lecturer and Associate Coordinator

Fall 2006       Gerontology 745: Assisted Living Administration  
3 semester units; 15 students; Faculty of Record

Spring 2007     Gerontology 740: Nursing Home Administration  
3 semester units; 15 students; Faculty of Record

Fall 2007       Gerontology 745: Assisted Living Administration  
3 semester units; 13 students; Faculty of Record

Spring 2008     Gerontology 740: Nursing Home Administration  
3 semester units; 9 students; Faculty of Record  
  
                    Nursing 324: Geriatric Nursing Theory  
3 semester units; 40 students; Faculty of Record

Fall 2008       Gerontology 745: Assisted Living Administration  
3 semester units; 12 students; Faculty of Record

Fall 2008       Gerontology 760: Research Methods in Gerontology  
3 semester units; 19 students; Faculty of Record

Spring 2009    Gerontology 740: Nursing Home Administration  
3 semester units; 15 students; Faculty of Record

Fall 2009    Gerontology 745: Assisted Living Administration  
3 semester units; 15 students; Faculty of Record

Fall 2009    Gerontology 760: Research Methods in Gerontology  
3 semester units; 20 students; Faculty of Record

Fall 2009    Nursing 313: Health Assessment Practicum  
4 semester units; 10 students; Faculty of Record

Spring 2010    Gerontology 740: Nursing Home Administration  
3 semester units; 16 students; Faculty of Record

Fall 2010    Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 15 students; Faculty of Record

Spring 2011    Gerontology 839: Gerontology Internship  
3 semester units; 15 students; Faculty of Record

Fall 2011    Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 12 students; Faculty of Record

Fall 2012    Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 20 students; Faculty of Record

Fall 2013    Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 22 students; Faculty of Record

Fall 2014    Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 12 students; Faculty of Record

Fall 2015    Gerontology 715: Aging and Social Policy  
3 semester units; 14 students; Faculty of Record

Fall 2015    Gerontology 837: Gerontology Seminar / Assisted Living Administration  
3 semester units; 9 students; Co-Faculty of Record

Fall 2015    Gerontology 897: Gerontology Research  
3 semester units; 8 students; Co-Faculty of Record

Spring 2016    Gerontology 897: Gerontology Research  
3 semester units; 8 students; Co-Faculty of Record

Fall 2016    Gerontology 715: Aging and Social Policy

3 semester units; 14 students; Faculty of Record

Fall 2016      Gerontology 838: Gerontology Seminar / Assisted Living Administration  
3 semester units; 9 students; Co-Faculty of Record

Fall 2016      Gerontology 897: Gerontology Research  
3 semester units; 8 students; Co-Faculty of Record

Spring 2017      Gerontology 699: Gerontology Independent Study  
3 semester units; 6 students; Co-Faculty of Record

Fall 2017      Gerontology 838, Gerontology Seminar  
3 semester units, 14 students; Faculty of Record

Spring 2018      Gerontology 839: Gerontology Internship  
3 semester units; 9 students; Faculty of Record

Fall 2018      Gerontology 838, Gerontology Seminar  
3 semester units, 10 students; Faculty of Record

Spring 2019      Gerontology 839: Gerontology Internship  
3 semester units; 9 students; Faculty of Record

Fall 2019      Gerontology 838: Gerontology Seminar  
3 semester units; 11 students; Faculty of Record

Spring 2020      Gerontology 839: Gerontology Internship  
3 semester units; 11 students; Faculty of Record

#### Teaching – Other

2011-2012      Core Faculty  
Northern California Geriatric Education Center  
160-hour Faculty Development Program  
University of California, San Francisco

2003-2015      Education Coordinator  
Cal-Arch  
Annual California 40-hr RCFE Initial Administrator Program

#### Continuing Education Classes Offered for San Francisco State University

Spring 2003      Competence with Compassion: Elder Abuse Training  
4 hours continuing education offered for registered nurses and RCFE  
administrators; lecturer

Hospice Issues in Long Term Care  
4 hours continuing education offered for registered nurses and RCFE administrators; co-lecturer

Licensing Updates for Long Term Care Administrators  
4 hours continuing education offered for registered nurses and RCFE administrators; coordinator

**Dementia Issues in Long Term Care**  
8 hours continuing education offered for registered nurses and RCFE administrators; coordinator

**Spring 2004** Chronic Pain Assessment and Management in the Elderly  
8 hours continuing education offered for registered nurses, nursing home administrators and RCFE administrators; coordinator

Managing Difficult Behaviors in Dementia Clients  
4 hours continuing education offered for registered nurses, nursing home administrators and RCFE administrators; coordinator

Fitness and Aging in Long Term Care  
4 hours continuing education offered for registered nurses, nursing home administrators and RCFE administrators; coordinator

Ombudsman Programs in Long Term Care Facilities  
4 hours continuing education offered for registered nurses, nursing home administrators and RCFE administrators; coordinator

**Spring 2005** Competence with Compassion: Elder Abuse Training  
4 hours continuing education offered for registered nurses and RCFE administrators; lecturer

Hospice Issues in Long Term Care  
4 hours continuing education offered for registered nurses and RCFE administrators; co-lecturer

Activities for Those Afflicted with Dementia  
4 hours continuing education offered for registered nurses and RCFE administrators; coordinator

Chronic Pain Assessment and Management in the Elderly  
8 hours continuing education offered for registered nurses and RCFE administrators; coordinator

**Spring 2008** Managing Families in Long Term Care Settings  
8 hours continuing education offered for registered nurses and RCFE administrators

Spring 2009 Staffing Issues in Long Term Care Settings  
8 hours continuing education offered for registered nurses and RCFE administrators

Spring 2010 Managing Stress and Burnout in Long Term Care  
8 hours continuing education offered for registered nurses and RCFE administrators

Continuing Education Classes Offered for Institute on Aging

Spring 2011 Community Based Palliative Care Conference  
7 hours continuing education offered for professionals - CME, BRN, RCFE, BBS, APA, NACCM, MCLE

Fall 2011 Fall Prevention in Older Adults Conference  
7 hours continuing education offered for professionals - CME, BRN, RCFE, BBS, APA, NACCM, MCLE

Spring 2012 Maintaining Mobility in Older Adults Conference  
7 hours continuing education offered for professionals - CME, BRN, RCFE, BBS, APA, NACCM, MCLE

Continuing Education Classes Offered for AgeSong

2012-2013 Community Based Palliative Care – A Professional Series  
4 hours continuing education offered for professionals - BRN, RCFE, BBS, CNA

2013 The Next Step in Assisted Living  
2 hours continuing education offered for professionals - BRN, RCFE, BBS

2014 Food, Fun and Forgetfulness  
4 hours continuing education offered for professionals - BRN, RCFE, BBS, CNA

Continuing Education Classes Offered for Eldercare Advocacy Bay Area

2015 Palliative Care in the Context on Long-Term Care Administration  
2 hours continuing education offered for professionals – BRN, RCFE, BBS

2016 Elder Abuse Prevention: Rights, Remedies and Restitution  
4 hours continuing education offered for professionals – BRN, RCFE, BBS

2017	Advocating for LGBT Older Adults 4 hours continuing education offered for professionals – BRN, RCFE, BBS
2018	Age, Health and Wellness in San Francisco 3 hours continuing education offered for professionals – BRN, RCFE, CAMFT
2019	Addressing Aging and Homelessness in San Francisco 3 hours continuing education offered for professionals – BRN, CAMFT

## **RESEARCH ACTIVITIES**

2002	San Francisco State University Master's Field Study Thesis Assessing the Continuing Education Needs of RCFE Administrators Dr. Darlene Yee
2003	University of California, San Francisco Summer Research Training Program Dr. Robert Newcomer
2004	University of California, San Francisco Research Residency Department of Social and Behavioral Sciences Dr. Robert Newcomer California's In-Home Supportive Services Program: Who is Served? Report prepared for California Health Care Foundation
2005-2007	University of California, San Francisco Pre-doctoral fellowship in the Institute for Health Policy Studies, School of Medicine and the Institute for Health & Aging, School of Nursing Agency for Healthcare Research and Quality Dr. Robert Newcomer
2007-2008	University of California, San Francisco School of Nursing, Department of Social and Behavioral Sciences Toward the Development of an Information System for Residential Care Facilities for the Elderly (Co-Principal Investigator) California Health Care Foundation ( <i>grant 06-1148</i> ), Budget \$99,994.00 12-months
2009-2011	University of California, San Francisco School of Nursing, Department of Social and Behavioral Sciences Planning the Development of an Electronic Information System for Residential Care Facilities for the Elderly (Co-Principal Investigator)

California Health Care Foundation, Budget \$611,996.00

2009-2011 Sutter Health Institute for Research and Education  
Community Approach to Improve Palliative Care Access  
Metta Institute (Research Consultant)

2010 Institute on Aging, San Francisco  
Linking Affordable Senior Housing with Comprehensive Care Services: A  
Planning Grant (Principal Investigator)  
SCAN Foundation, Budget \$21,000

2010-2011 Institute on Aging, San Francisco  
Medication Oversight Project (Principal Investigator)  
Kaiser Family Foundation, Budget \$15,000

2010-2013 Institute on Aging, San Francisco  
Nor-Cal Geriatric Education Center, a partnership with University of  
California, San Francisco (Principal Investigator)  
HRSA, Budget \$250,000

2011-2012 Institute on Aging, San Francisco  
Community Based Palliative Care: An Educational Program for Health  
Care Professionals (Principal Investigator)  
Sutter Institute for Research and Education, Budget \$17,000

2011-2012 Institute on Aging, San Francisco  
Linking Affordable Senior Housing with Comprehensive Care Services  
(Principal Investigator)  
SCAN Foundation Budget \$100,000

## **PUBLISHED ABSTRACTS**

Flores, C. & Yee, D. 2003. "Assessing the Continuing Education Needs of RCFE  
Administrators." Gerontological Society of America 56th Annual Scientific Meeting.

Flores, Cristina & Newcomer, R. 2007. "The Quality of Care in Residential Care  
Facilities for the Elderly." Gerontological Society of America 60th Annual Scientific  
Meeting.

Fecondo, J., Flores, C., Newcomer, R. & Donnelly, T. 2007. "Toward the Development  
of a Consumer Information System for Residential Care Facilities for the Elderly"  
Gerontological Society of America 60th Annual Scientific Meeting.

Flores, C. & Newcomer, R. 2008. "Inspection Visits in Residential Care Facilities for the  
Elderly: The Effects of a Policy Change in California." Gerontological Society of  
America 61th Annual Scientific Meeting.

Flores, Cristina & Newcomer, R. 2009. "Planning the Development of an Electronic Information System for Residential Care Facilities for the Elderly." Gerontological Society of America 62th Annual Scientific Meeting.

Fecondo, J., Flores, C. & Girouard, S. 2010. "A Unique Partnership to Promote Wellness Among Elders in Residential Care Facilities." Association for Gerontology in Higher Education, 36<sup>th</sup> Annual Meeting and Educational Leadership Conference.

Flores, C., Newcomer, R., Donnelly, T., Palmer, G., Boughton, T., & Weigand, M. 2010. "Developing a Web-based Consumer Directory for Residential Care Facilities for the Elderly." Gerontological Society of America 63th Annual Scientific Meeting.

Flores, C., McGregor, C., Ketchal, A., Newman, J., and Newcomer, R., 2010. "A Community Approach to Improve Palliative Care Access." Gerontological Society of America 63th Annual Scientific Meeting.

Flores, C., Newcomer, R., Werdegar, D., and Weed, N.E. 2011. "Linking Affordable Housing and Comprehensive Health Services: Institute on Aging Senior Campus in San Francisco." Aging Services of California Annual Conference.

Flores, C., Werdegar., D., Newcomer, R., Marcus, M., Lusty, D., and Kauffman, C. 2011. "Linking Affordable Housing and Comprehensive Health Services: Institute on Aging Senior Campus in San Francisco." American Society on Aging: Aging in America Conference.

Flores, C., Werdegar., D., Donnelly, K., Lusty, D., and Kauffman, C. 2011. "Critical Steps in Developing a Collaborative Housing and Health Care Project for Low-Income Seniors." American Society on Aging: Aging in America Conference.

Flores, C., Falk, E., Skultety, K., and McCloud, T. 2011. "Community-Based Model Programs in Dementia Care." California Assisted Living Association Conference.

Flores, C., Newcomer, R., Werdegar, D., Caldwell., A., & Skultety, K., 2011. "Linking Affordable Housing to Comprehensive Care Services." Gerontological Society of America 64th Annual Scientific Meeting.

Flores, C., Newcomer, R., Werdegar, D., Caldwell., A., & Skultety, K., 2012. "Linking Affordable Housing to Comprehensive Care Services." American Society on Aging: Aging in America Conference.

Flores, C., & Newcomer, R. 2012. "Linking Affordable Housing to Comprehensive Care Services." Gerontological Society of America 65th Annual Scientific Meeting.

Flores, C., & Newcomer, R. 2013. "Linking affordable housing with comprehensive care services: A post-occupancy evaluation." Gerontological Society of America 66th Annual Scientific Meeting.

Shabahangi, N., & Flores, C. 2014. "From assisted living back to living." American Society on Aging: Aging in America Conference. San Diego, California

Shabahangi, N., & Flores, C. 2014. "From assisted living back to living." Leading Age Conference: Palm Springs, California.

Harrington, C., Flores, C., & Cherney, C. 2015. "Ask the Experts: Compelling Evidence of Poor Care." CANHR ElderLaw Conference: Monterey California

Yee-Melichar, D., Flores, C., & Boyle. 2016. "Multidimensional Perspectives to a Better Understanding of Aging and Diversity." Association for Gerontology on Higher Education Conference: Long Beach, California.

Flores, C., & Yee-Melichar, D. 2017. "Developing Academic-Community Partnerships in Gerontology: From Concept to Practice." 21<sup>st</sup> IAGG 2017 World Congress of Gerontology and Geriatrics: San Francisco, California.

## **EXPERT TESTIMONY/WITNESS WORK**

2005	California Department of Health and Human Services Committee: SB 141 (Soto) Preadmission Fees in Residential Care for the Elderly SB 516 (Ortiz) Fire Safety in Residential Care for the Elderly
2006	California Department of Health and Human Services Committee: AB 2836 (Karnette) Fire Safety in Residential Care for the Elderly
2014	California Department of Health and Human Services Committee: SB 894 (Corbett) Inspections/Evaluations in RCFEs
2014	California Department of Health and Human Services Committee: SB 895 (Corbett) RCFE Suspension/Revocation of Licenses
2014-present	Expert Witness: Review pertinent documentation and give expert opinion regarding the standard of care in Residential Facilities for the Elderly/Assisted Living

## **PUBLISHED REPORTS**

Waterstone, D., Kang, T., Flores, C., Howes, C., Harrington, C. & Newcomer, R. (2004) *California's In-Home Supportive Services Program: Who is Served?* Published on the Center for PAS website [http://pascenter.org/documents/IHSS\\_Final\\_Report.pdf](http://pascenter.org/documents/IHSS_Final_Report.pdf)

## PUBLISHED BOOK CHAPTERS

Flores, C. (2005). Assessing the continuing education needs of RCFE administrators. In: Yee-Melichar, D. and Boyle, A.R. (Eds.), *Aging in contemporary society: Translating research into practice*. Ann Arbor, MI: XanEdu Original Works.

Newcomer, R., Flores, C., & Hernandez, M. (2008). Intended and unintended consequences of the future regulatory environments imposed by state and federal governments. In: Golant, S., & Hyde, J. (Eds.), *The assisted living residence: A vision for the future*. Baltimore, MD: John Hopkins University Press.

Werdegar, D., Flores, C., & Caldwell, C. (2014). Community-Based Programs and Services. In: Yee-Melichar, D., Flores, C., & Cabigao, E. (Eds.), *Long-term care administration & management: Effective practices and quality programs in eldercare*. New York, NY: Springer Publishing Company.

Flores, C., Newcomer, R., & Hernandez, M. (2014). Assisted Living Communities. In: Yee-Melichar, D., Flores, C., & Cabigao, E. (Eds.), *Long-term care administration & management: Effective practices and quality programs in eldercare*. New York, NY: Springer Publishing Company.

Flores, C., Luxenberg, J., & Werdegar, D. (2014). Enhancing and Managing Client Care. In: Yee-Melichar, D., Flores, C., & Cabigao, E. (Eds.), *Long-term care administration & management: Effective practices and quality programs in eldercare*. New York, NY: Springer Publishing Company.

Falk, E., Flores, C., Cole., P. (2014). Preventing elder Abuse and Neglect. In: Yee-Melichar, D., Flores, C., & Cabigao, E. (Eds.), *Long-term care administration & management: Effective practices and quality programs in eldercare*. New York, NY: Springer Publishing Company.

Dudley, N., Miller, B. J., Hinerman, N., & Flores, C. (2014). Palliative Care. In: Yee-Melichar, D., Flores, C., & Cabigao, E. (Eds.), *Long-term care administration & management: Effective practices and quality programs in eldercare*. New York, NY: Springer Publishing Company.

## PUBLISHED BOOKS

Yee-Melichar, D., Renwanz-Boyle, A., & Flores, C. (2010). *Assisted living administration: Effective practices and model programs in elder care*. New York, NY: Springer Publishing Company.

Yee-Melichar, D., Flores, C., & Cabigao, E. (2014). *Long-Term Care Administration & Management: Effective Practices and Quality Programs in Eldercare*. New York, NY: Springer Publishing Company.

Yee-Melichar, D., Flores, C., & Renwanz-Boyle, A. (In progress; pending publication 2020). *Assisted living administration: Effective practices and model programs in elder care, Second edition*. New York, NY: Springer Publishing Company.

### **PUBLISHED JOURNAL ARTICLES**

Flores, C. & Newcomer, R. (2006). Toward a framework for monitoring the quality of care in residential care for the elderly. *Seniors Housing and Care Journal*, 14, 47-60.

Flores, C. & Newcomer, R. (2009). Monitoring quality of care in residential care for the elderly: The information challenge. *Journal of Aging and Social Policy*, 21, 225-242.

Flores, C., Bostrom, A., & Newcomer, R. (2009). Inspection visits in residential care facilities for the elderly: The effects of a policy change in California. *Journal of Applied Gerontology*, 28, 539-559.

Flores, C., & Newcomer, R. (2014). Linking affordable housing with comprehensive care services: A post-occupancy evaluation. *Seniors Housing and Care Journal*, 22, 97-110.

### **PUBLISHED BOOK REVIEWS**

Flores, C., & Yee, D. (2012). Geriatric Mental Health Disaster and Emergency Preparedness Edited by J Toner, Therese M. Mierswa, & Judith L. Howe. *Educational Gerontology*, 39, 3.

Flores, C., & Yee, D. (2017). Dementia Beyond Disease, Enhancing Well-Being (Revised Edition) by G. Allen Power, M.D., FACP. *Educational Gerontology*.

# EXHIBIT B

## DECLARATION OF CRISTINA FLORES

<u>Exhibit No.</u>	<u>Depo. Ex.</u>	<u>Bates No.</u>	<u>Description</u>
1	5	SUN000495-534	Zack Residency Agreement
2	45	SUN000056-89	Helen Ganz Residency Agreement
4		Dkt No. 55-3	Tustin Agreement (Blood Ex. C, revised 04/2013)
5		SUN0016924-16967	San Mateo Agreement (pre-2010)
6		Dkt. No. 55-4	San Mateo Agreement (Blood Ex. D; revised 01/2015)
7		SUN0016886-16923	San Mateo Agreement (revised 03/13/2012)
8		SUN0011600-11637	Seal Beach Agreement (revised 03/13/2012)
9		SUN0008945-8981	Playa Vista Agreement (revised 03/13/2012)
10		SUN0007698-7757	Beverly Hills Residency Agreement (revised 05/2018)
11		SUN0096294-96352	Alta Loma Residency Agreement (effective 10/2018)
12		SUN0096353-96404	Huntington Beach Residency Agreement (revised 06/2017)
13		SUN0025316-25719	Operations Manual - Profit
14		SUN0025720-26148	Operations Manual - Product
16	23	SUN003964 (native)	Assessment Updates 2014
17	26	SUN0003134(native)	Assessment Scoring, EC Tab
18	27	SUN0003957-3963	SEHA V-3.0 Points & Scoring",
19	29	SUN0001341-1346; 1361-1363)	Job Aid: Daily Labor Reporting
20	30	SUN001312-1330	Staffing Simplified Toolkit
21	32	SUN001413-1438	Controlling Labor
22	33	SUN0003821-3951	Sunrise Care Connect AL Resident Work Flows

<u>Exhibit No.</u>	<u>Depo. Ex.</u>	<u>Bates No.</u>	<u>Description</u>
23	38	SUN001630-1788	Welcome to Staffing and Scheduling
24	56	PG000194-217	Ganz Assessment Form
25		SUN009023-SUN009027	Plan of Operation Dementia Care Disclosure Statement exemplar
26	57	SUN000929-949	Service plan for Plaintiff Ganz
27	113	SUN0024717-24719	Care Labor Management
28	114	SUN0024711-24714	Care Labor Management
29	115	SUN0024716	Care Labor Management
30	127	SUN0095933-95935	May 3, 2016 Slichta Email and responses
32	1	SUN0004369-4376	Job Description for Executive Directors
33	62	SUN006920-6922	Assisted Living Coordinator Job Description
34	63	SUN00006927-6929	Reminiscence Coordinator Job Description
35	65	SUN001002-1006	Resident Care Coordinator Job Description
36	66	SUN001075-1080	Senior Resident Care Director (RN) Job Description
40	42	SUN0004682	San Mateo budget (2016)
41	61	SUN0004688	San Rafael budget (2019)
42	107	SUN0004690	DLR and DC Data for Legal (Actual/Target Hours Spreadsheet)
43	140	SUN0096407	Testimony Aid Document re Actual/Target Hours Spreadsheet
			Deposition Transcript of Joseph Villanueva (ED)
			Deposition Transcript of Abbie Apolinario (ED)

<u>Exhibit No.</u>	<u>Depo. Ex.</u>	<u>Bates No.</u>	<u>Description</u>
			Deposition Transcript Jeffery Slichta (Sr VP Operations (West); Rule 30(b)(6) designee
53	14	SUN0001214	Marketing Brochure
54	132		Marketing Brochure - from Sunrise website (4/25/20)
			Task Time Exemplar (Dec 2015)
			Task Time Exemplar (Nov 2016)
			Assessment/Service Plan Exemplars
		SUN0017869	Billed Service History Excel File
		SUN0017451	Census Data
Yarnall Exs			DSS Citations
Yarnall Exs			DSS Complaints
Yarnall Exs			Sunrise Complaints

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